



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 13.11.2019

CORAM :

WEB COPY

THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

Crl.O.P.(MD)No.11409 of 2018

and

Cr.M.P.(MD)Nos.5191 & 5192 of 2018

Muthuvel

... Petitioner/Accused No.14

Vs.

1.The State Rep by  
The Inspector of Police,  
Puthiyamputhur Police Station,  
Thoothukkudi.  
(Crime No.10 of 2017)

... 1<sup>st</sup> Respondent/Complainant

2.Senthilkumar

...2<sup>nd</sup> Respondent/Defacto  
Complainant

**Prayer:** Criminal Original Petition filed under section 482 of Criminal Procedure Code, to call for the records pertaining to the Charge Sheet in P.R.C.No.17 of 2018 on the file of the learned Judicial Magistrate No.I, Thoothukudi, and quash the same.

For Petitioner : Mr.T.Sasidharan

For R1 : Mr.K.Suyambulinga Bharathi  
Government Advocate (Crl.Side)

For R2 : Mr.J.Indrachithu

### **O R D E R**

This petition has been filed to quash the proceedings in P.R.C.No.17 of 2018 on the file of the learned Judicial Magistrate No.I, Thoothukudi.

2. The learned Counsel appearing for the petitioner would submit that the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution. Without any base, the first respondent police registered a case in Crime No.10 of 2017 for the offences under Sections 147, 148, 341, 302, 506 (ii), 120 (b), 114 and 149 of IPC, as against the petitioners and





appellant-C.B.I., and the defence put-forth by the respondent, led us to a conclusion that the High Court has exceeded its power, while exercising its inherent jurisdiction under Section 482 Cr.P.C.

20. In our view, the assessment made by the High Court at this stage, when the matter has been taken cognizance by the Competent Court, is completely incorrect and uncalled for."

- The above judgment is squarely application to this case and as such, the points raised by the petitioners cannot be considered by this Court under Section 482 Cr.P.C.

7. In view of the above discussion, this Court is not inclined to quash the proceedings in P.R.C.No.17 of 2018 on the file of the learned Judicial Magistrate No.I, Thoothukudi. Hence this Criminal Original Petition stands dismissed. Consequently, Crl.M.P (MD) No.5192 of 2018 and Crl.M.P(MD) No.5191 of 2018 are closed. However, the trial Court is directed to complete the trial within a period of six months from the date of receipt of copy of this Order.

Sd/-

Assistant Registrar (CS-III)

// True Copy //

Sub Assistant Registrar(CS)

dss

To

1.The Judicial Magistrate No.I,  
Thoothukudi.

2.The Inspector of Police,  
Puthiyamputhur Police Station,  
Thoothukudi.

3.The Additional Public Prosecutor,  
Madurai Bench of Madras High Court, Madurai.

+1 CC to M/s.S.T.SASIDHARAN TAMILKANI, Advocate ( SR-98205[F] dated 14/11/2019 )

Crl.O.P. (MD)No.11409 of 2018  
and

Cr.M.P. (MD) Nos.5191 & 5192 of 2018  
13.11.2019

JMN (04.12.2019) 3P : 5C

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